

Exhibit D



ROCKEFELLER CENTER
1270 AVENUE OF THE AMERICAS
NEW YORK, NY 10020
T 212.307.5500 F 212.307.5598 www.Venable.com

February 6, 2023

Kristen Ruisi

T 212.503.0559
F 212.307.5598
KSRuisi@Venable.com

VIA E-MAIL TO:

Four Sigma Foods, Inc.
1450 2nd St, Suite 210
Santa Monica, CA 90401
support@foursigmatic.com

Cease and Desist re: Unauthorized Use of THINK COFFEE Trademark

Dear Sir or Madam:

We are the attorneys for Think Coffee LLC (“Think Coffee”), the owner and exclusive user of the THINK COFFEE Trademark. Think Coffee and its subsidiaries own and operate eleven brick-and-mortar coffee shop locations, and Think Coffee also maintains an extensive web presence, including through online sales of its coffee blends on a single purchase or subscription basis on its website. See <https://thinkcoffee.com/>.

Think Coffee has been using the THINK COFFEE Trademark in connection with its goods and services since at least as early as March 2006. Think Coffee owns U.S. federal trademark registrations for the THINK COFFEE Trademark, specifically Registration No. 3262911, registered on July 10, 2007, and Registration No. 3856559, registered on October 5, 2010. Think Coffee also owns rights to the THINK COFFEE Trademark application currently pending before the United States Patent and Trademark Office as Serial No. 97424201. Additionally, Think Coffee owns international trademark registrations for the THINK COFFEE Trademark in Japan, Singapore, and the Republic of Korea.

It has come to our attention that your company Four Sigma Foods, Inc. is using the words “THINK COFFEE” in connection with the sale of its coffee blend “Think Ground Coffee with Lion’s Mane & Chaga Mushrooms.” The words THINK and Coffee appear prominently on the packaging for your product, and on numerous pages of your website at www.us.foursigmatic.com (the “Website”). Examples of your unlawful and unauthorized use are included in **Exhibit 1**.

Think Coffee has not authorized the use of the THINK COFFEE Trademark in this manner, and thus regards your actions as an attempt to unlawfully associate yourself with the THINK COFFEE Trademark for your own commercial gain.

Consumers are likely to be confused as to your affiliation with the THINK COFFEE Trademark and incorrectly assume that you are authorized by Think Coffee when you are not. You have no authorization to sell products or services on behalf of Think Coffee, and no affiliation with Think Coffee. As a result, Think Coffee demands that you cease all infringing use of the word “Think” in connection with the sale of coffee and coffee-related products and respond to this letter



Four Sigma Foods

February 6, 2023

Page 2

in writing **within five (5) days of receiving this letter**. Specifically, Think Coffee demands that you:

1. Remove all unauthorized uses of the word “Think” from your Website and social media accounts; and
2. Cease all marketing, promotion, and advertising (including on your packaging) using the word “Think” in connection with the sale of coffee and coffee-related products.

This letter is without prejudice to any rights Think Coffee may have, each of which is expressly reserved. We look forward to your response and cooperation and are available to discuss should you need any clarification.

Sincerely,

/s/Kristen Ruisi
Kristen Ruisi



Four Sigma Foods
February 6, 2023
Page 3

EXHIBIT 1



Four Sigma Foods
February 6, 2023
Page 4

LIMITED TIME OFFER

Level up your wellness with one of our best-selling bundles.

- Think Ground Coffee**
2 bags of Think Ground Coffee
~~\$42~~ \$32
[SUBSCRIBE NOW](#)
- To-Do Crusher**
1 Think Ground, 1 Focus Blend, 1 Think Creamer
~~\$70~~ \$56
[PURCHASE](#)
- Coffee Routine**
4 bags of Think Ground Coffee + 1 FREE Think Creamer
~~\$80~~ \$64
[PURCHASE](#)

JOIN 500,000 OTHER 'SHROOMERS'
Get 10% off your first order

Your email: [SIGN UP](#)

SHOP BY BENEFIT [\(circled in red\)](#)

- LEARN**
 - About Us
 - Magazine
 - Mushroom Academy
 - Our Stores
 - Team
 - Sustainability
 - Quality
- SUPPORT**
 - Contact Us
 - FAQ
 - Shipping
 - Returns
 - Account
 - Accessibility
- INQUIRIES**
 - Partners & Press
 - Affiliate Program
 - Wholesale
 - Jobs
 - Store Locator
- CONNECT**
 - Instagram
 - Facebook
 - Refer a Friend
- LOCATION**
 - USA / USD International

The statements made on this website have not been evaluated by the FDA (U.S. Food & Drug Administration). The products sold on this website are not intended to diagnose, treat, cure, or prevent any disease. The information provided by this website or this company is not a substitute for a face-to-face consultation with your physician, and should not be construed as individual medical advice.

Accessibility Tool
Do Not Sell My Personal Information
Terms & conditions / Privacy policy
Copyright Four Sigmatic. All rights reserved



Four Sigma Foods

February 6, 2023

Page 5

Switch your coffee for a more focused 2023! Subscribe & save 20% | [SHOP NOW](#)

[SHOP / THINK](#)

Think

Wake up your mind with focus-boosting superfoods

[CAFFEINE](#) [NO CAFFEINE](#)

[START WITH THIS](#)

Morning Routine

Kick off better mornings with coffee to power on and Think

[\\$32](#) [SHOP NOW](#)

Defend Chill Shop all

Category: Think

[SHOP](#) [LEARN](#)

[SEARCH](#) [ACCOUNT](#) [CART](#)

Think Defend Chill Shop all

popular

New

Think Ground Coffee with Lion's Mane & Chaga Mushrooms

Don't have a French Press or drip to Think

\$20 \$16 [QUICK BUY](#)

Think Cold Brew Ground Coffee With Lion's Mane & Chaga Mushrooms

Balanced, refreshing cold coffee Think

\$20 \$16 [QUICK BUY](#)

New

New